Sectt. II-27—60,004—17-11-48.

1950

Development (~~1949~~) Department.

MS SERIES.

G.O. NO. ~~6042~~ 1315

Dated ~~23-12-49~~
31-3-50

1C/

Passed
By
Supdt.

[Despatch Abstract.]

~~Acts~~ - Madras ~~Shops~~ and ~~Establishments~~ Act, 19.
- Shops run by the owners and members of his family
Exemption from the Provisions ~~of the~~ Act - granted

Labour - Disputes - Dispute between the workers and the management of the Commonwealth Tile factory, Kundroli Mangalore - Reference to the Industrial Tribunal Coimbatore for adjudication.

GOVERNMENT OF MADRAS
Abstract

LABOUR - Disputes - Dispute between the workers and the management of the Commonwealth Tile Factory, Kurdoli, Mangalore - Reference to the Industrial Tribunal, Coimbatore for adjudication - Ordered

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Development Department

G.O. MS. No. 1315 Dated the 31st March, 1950.

Read the following:

From the Commissioner of Labour, No. A.4.2592/50 dated 13--3--1950.

O R D E R

The following notification will be published in the Fort St. George Gazette:--

NOTIFICATION

Whereas an industrial dispute has arisen between the workers and the management of the Commonwealth Tile Factory, Kurdoli, Mangalore, in respect of the matters mentioned in the annexure to this order;

And whereas in the opinion of His Excellency the Governor of Madras, it is necessary to refer the said industrial dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10(1)(c) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), His Excellency the Governor of Madras hereby directs that the said industrial dispute be referred for adjudication to the Industrial Tribunal having its place of sitting at Coimbatore.

Annexure

(a) Whether the dismissal of the following two workers was justified:

(1) Sri Omaya Poofary

(2) Sri Danial Prabhakar.

p.t.o.

.12

(b) If not, whether they should be re-instated.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR OF MADRAS)

P.S. VISWANATHA AYYAR,
Secretary to Government.

To
The Industrial Tribunal, Coimbatore.

The Commissioner of Labour, Madras

The Superintendent, Government Press for publication.

The Accountant General, Madras.

The District Magistrate, Malabar.

The Government of India, Ministry of Labour, New Delhi.

The Management,
Commonwealth Trust, Ltd., Tile Factory,
Kurdoli, Mangalore.

The President,
Commonwealth Tile Factory Workers Union,
MANGALORE.

Forwarded/By Order.

JK 31/3.

SUPERINTENDENT.

A.4.2592/50

Office of the Commissioner of Labour,
Chepauk, Madras, dated, 13.3.1950.

From

Sri C.G. Reddi
Commissioner of Labour, Madras.

22588 PT
15.3.50.

To

The Secretary to Government,
Development Department,
Fort St. George,
Madras.

Sir,

Sub: LABOUR--Disputes--Dispute between the workers and the management of the Commonwealth Tile Factory, Kudroli, Mangalore-Reference to the Industrial Tribunal, Coimbatore, for adjudication--Requested.

Ref: My letters to Government No.A.4.4714/48 dated 7.1.1950 and A.4.2592/50 dated 17.1.1950 and 4.2.1950.

A dispute has arisen between the workers and the management of the Commonwealth Tile Factory, Kudroli, Mangalore over the dismissal of two workers. The President of the Kudroli Commonwealth Tile Factory Workers Union contended that the dismissal of the two workers was illegal and demanded their reinstatement. On the refusal of the management to concede the demand for reinstatement, the workers went on strike from 9.1.1950 to 24.1.1950. In this connection, please see my letters to Government cited. The Labour Officer, Kozhikode took up conciliation proceedings in the matter. The parties were unable to come to an amicable settlement in spite of his conciliation. I discussed with the management regarding the dismissal of the two workers and payment of wages to the workers for 26.1.1950 and 27.1.1950. The management refused to reinstate the two workers. But they have since reported that they would pay wages to the workers for 26.1.1950 only.

Thus the parties are unable to come to an amicable settlement in spite of conciliation. I request that the Government may be pleased to refer the dispute between the workers and the management of the Commonwealth Tile Factory, Kudroli, Mangalore over the dismissal of the following two workers to the Industrial Tribunals, Coimbatore for adjudication.

1. Sri Omaya Poofary.
2. Sri Daniel Prabhakar.

No action is necessary on the other issue regarding non-payment of wages to the public Holiday on 27.1.1950

V.M.14/3

For Commissioner of Labour.

14/3/50

TOAS

Dept

2/4

CNO 22586 PI/50 8/89/3

Dev Dept

To AS

Please see the C.L's report on page 1 above. For orders whether his recommendation at 'A' on page 1 above may be accepted. A draft order is submitted for approval

SM 24.3.50.

AS 24.3.50

CPG 25.3.50 & 24.3.50

Hn (LR)

3/3

To issue Roneo 20 copies SM 31.3.50.

Dept Dept 5

Sub:- Labour - Disputes - Dispute between the workers and the management of the Commonwealth Tile Factory, Kurdoli, Mangalore - Reference to the Industrial Tribunal, ~~Mangalore~~ Coimbatore for adjudication - Ordered.

91 / 31/3

Ref:- From the C.L. No.A.4.2592 /50 dated 13-3-50.

G.O.Ms. 1315 dated 31.3.50.

The following notification will be published in the Fort St.George Gazette:-

NOTIFICATION.

Whereas an industrial dispute has arisen between the workers and the management of the Commonwealth Tile Factory, Kurdoli, Mangalore, in respect of the matters mentioned in the annexure to this order;

And whereas in the opinion of H.E. the Governor of Madras it is necessary to refer the said industrial dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10(1)(c) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), His Excellency the Governor of Madras hereby directs that the said industrial dispute be referred for adjudication to the Industrial Tribunal having its place of sitting at Coimbatore.

SM 24.3

Annexure

(a) Whether the dismissal of the following two workers was ~~is for a proper and valid cause:-~~ justified;

(1) Sri Onaya Poojary

(2) Sri Daniel Prabhakar

(b) If not, whether they should be re-instated.

To the Ind.Tribunal, Coimbatore SM 24.3.
the C.L.
the S.G.P. for publication AS 24.3.50
the A.G.
" D.M. Malabar
" Govt of India, ministry of Labour, New Delhi.
" management, Commonwealth Trust Ltd Tile Factory Kurdoli, Mangalore
" President, commonwealth Tile Factory Workers union, Mangalore.

CPG 25.3.50

Govt SM

POST COPY OF TELEPHONIC MESSAGE.

From

The Commissioner of Labour,
Chepauk, Madras.

To

The Secretary to Government,
Development Department,
Fort St. George,
Madras.

A.4.2592/50 dated 11.4.1950. 32683

Sub: LABOUR--Disputes--Dispute between the workers and the management of the Commonwealth Tile Factory, Kudroli, Mangalore--Reference to the Industrial Tribunal, Coimbatore for adjudication--Ordered.

Ref: 1.My letter to Government No.A.4.2592/50 dated 13.3.1950.
2.Government Order No.Ms.1315, Development department dated 31.3.1950.

I request that the Government may be pleased to amend the name "Kurdoli, Mangalore" as "Kudroli, Mangalore" wherever it appears in the Government Order cited. I also request the Government to amend the following names given in the Annexure to the Government Order cited.

1. Sri Omaya Poofary.	1. Sri Omaya Poojary.
2. Sri Danial Prabhakar.	2. Sri Daniel Prabhakar".

AS

V.M.12/4

For Commissioner of Labour.

Dept

GR
17-4-50

Devt Dept 9

106/18/4.

Memo No 32683 PI/50-1 date 17-4-50.

Sub Labour - Disputes - Dispute between the workers and the management of the commonwealth ~~Kundroli~~, Tile ~~Mazdoor~~ Factory, Kudroli, Mangalore - Reference to the Industrial Tribunal, Coimbatore for adjudication - Orders Amendment - Issued.

W 106 (M)

Read:- G.O. Ms. 1315 Devt dated 31-3-50.

The following notification will be published in the Fort St. george gazette:-

Notification

1. In ~~the~~ Development Department Notification No. 440, dated the 31st March 1950, published at page 882 of Part I of the Fort. St. George Gazette, dated the

the 11th April 1950 —

~~for "Kurdoli", read "~~

for "Kurdoli, Mangalore", read "Kudroli, Mangalore" / Xcorrect

II. In the Annexure to the said Notification / Xcorrect.

for "(1) Sri. Omaya Poofary", read "(1) Sri Omaya Poojary"

for "(2) Sri Danial Prabhakar", read "(2) Sri Daniel Prabhakar"

SM 15.4.50.
DS 18.4.50

CAG — 17.4.58

To The S.G.I. for publication. ✓

" C.L.

" Industrial Tribunal, Coimbatore.

" Management Commonwealth Trust Ltd, Tile Factory Kudroli, Mangalore.

" President Commonwealth union Mangalore) Tile Factory Workers &

115217/D1
16.11.50

111

From
Sri P.V.Krishnaswami, B.A.,B.L.,
Industrial Tribunal,
Brahmin Extension, Coimbatore.
camp:Calicut.

To
The Secretary to Government,
Development Department,
Fort St. George,
Madras.

Sir, I.D.Nos. 8-A, 8-B and 8-D/50 Date 14-11-50

Sub: Labour - Disputes between the workers and the Management of the Commonwealth Tile Factory Kurdoli, Mangalore - adjudication - Orders passed on petitions under Sec.33 of the I.D.Act - copy submitted.

Ref. G.O.Ms.No.1315 Development dated 31st March 1950.

I have the honour to enclose herewith my orders passed on petitions under Sec.33 of the Industrial Disputes Act,1947 in the above matter which has been referred to me for adjudication.

INDUSTRIAL TRIBUNAL
Coimbatore.

To AS
Submitted for perusal. Dept may be lodged and added to the G.O. at (F)
Enc: 3
RRM/-
17.11.50
17.11.50

Copy
18.11.50

BEFORE THE INDUSTRIAL TRIBUNAL, COIMBATORE.

Present: Sri P.V.Krishnaswami, B.A.B.L.

Industrial Dispute 8-A of 1950.

In the matter of the disputes between the workers and the management of The Commonwealth Tile Factory, Kurdoli, Mangalore.(vide G.O.Ms.No.1315 Dev.D/31-3-50)

Read: Petition dated 3-8-1950 filed by the Management of the Commonwealth Tile Factory, Kurdoli, under Section 33 of the Industrial Disputes Act, 1947.

Sri M.S.Menon, Bar-at-Law, & Sri G.B.Pai, M.A.B.L. Advociates, Ernakulam. — For the Management.

Sri B.S.Bhaskar Rai, President, The Commonwealth Tile factory Union, Kurdoli. — For the Workers.

ORDER

Three workmen of the list of 21 persons proposed by the Employer in this petition under Sec.33 of Act 14 of 1947 to be discharged because they are 60 and over appear now. They are Roll call Nos.216, 221 and 294 who look at least 60 if not more and two of them are agreeable they may be discharged on account of age. I have examined them and they are of opinion that the others whose names out of the employer's list I have read out to them are as old as they, if not older. I am satisfied that these old 21 persons may safely be discharged and sanction the same hereby. Whatever gratuity they may be eligible for under practice prevalent in his factory the employer is willing and anxious should be paid to them and agrees so to pay.

P.V. Krishnaswami

Industrial Tribunal,
Coimbatore.

Camp.Mangalore.
Dated 16-10-50

KM/-

BEFORE THE INDUSTRIAL TRIBUNAL, COIMBATORE.

Present: Sri P.V.Krishnaswami,B.A.B.L.

Industrial Dispute No.8-B of 1950.

In the matter of the disputes between the workers and the management of The Commonwealth Tile Factory, Kurdoli, Mangalore (vide G.O.Ms.No.1315 Development dated the 31st March 1950.)

Read: Petition dated 19-9-1950 filed by the Management of the Commonwealth Tile Factory, Kurdoli under Section 33 of the Industrial Disputes Act,1947.

Sri M.S.Menon,Bar-at-Law &
Sri G.B.Pai,M.A.B.L.
Advocates, Ernakulam. } For the Management.

Sri B.S.Bhaskar Rai,
President, The Commonwealth
Tile Factory Union,Kurdoli. } For the Workers.

O R D E R.

The workman with but 11 months of service, Monappa, permission to dismiss whom on grounds of leprosy based on the employer's Medical Officer's written certificate and report is sought under Sec.33 of Act 14 of 1947 is absent and offers no contest. I accept the Medical certificate. Permission to discharge as prayed for is granted.

P.V. Krishnaswami
INDUSTRIAL TRIBUNAL
Coimbatore.

Camp:Mangalore.
Dated 16-10-1950

RKM/-

BEFORE THE INDUSTRIAL TRIBUNAL, COIMBATORE.

Present: Sri P.V.Krishnaswami.B.A.B.L.

Industrial Dispute No.8-D of 1950.

In the matter of the disputes between the workers and the Management of the Commonwealth Tile Factory, Kurdoli, Mangalore (vide G.O.Ms.No.1315 Development dated the 31st March 1950.)

Read: Petition dated 26-9-1950 filed by the Management of the Commonwealth Tile Factory, Kurdoli under Sec.33 of the Industrial Disputes Act, 1947.

Sri M.S.Menon, Bar-at-Law & Sri G.B.Pai, M.A.B.L. Advocates, Ernakulam. } For the Management.

Sri B.S.Bhaskar Rai, President, The Commonwealth Tile Factory Union, Kurdoli. } For the workers.

ORDER

The workman concerned Ramappa does not deny that he is suffering from leprosy but suggests he is now getting gradually cured and would soon be totally fit to rejoin and resume. The Employer is agreeable and I consider his terms fair that if this workman produces a Medical certificate from the Dt.Medical Officer, Mangalore on or before 2-1-1951 that he is cured and fit to rejoin and work in this factory, he would be taken back without however any claim for salary for all the intervening period during when he will be considered to have been on leave without pay and allowances. If however he is unable to produce his certificate as above his discharge already effected will stand approved.

2. Whatever gratuity he may be eligible for is agreed to be paid to him but it is not admitted he has served for more than 14 years. If as the workman claims now, though he has not specifically pleaded so, he has had 25 years of service or even more than 20, he is conceded to be eligible but not otherwise.

Camp:Mangalore.
Dated 16-10-50

INDUSTRIAL TRIBUNAL
Coimbatore.

RKM/-